UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/758,112	01/03/2001	Toufic Boubez	RSW920000102US1 (IBM 17)	7400

77242 7590 01/03/2012		EXAMINER
IBM Raleigh S/W Group		HAMILTON, LALITA M
c/o Patent Law of Virginia, PLLC		

ART UNIT	PAPER NUMBER
3691	

PO Box 9319
Richmond, VA 23227

NOTIFICATION DATE	DELIVERY MODE
01/03/2012	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

brian@patentlawva.com
bjteague@verizon.net
brian.teague@alum.wpi.edu

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 09/758,112
Filing Date: January 03, 2001
Appellant(s): BOUBEZ ET AL.

_____
Brian J. Teague
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed October 13, 2011 appealing from the Office

action mailed July 6, 2011.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying

by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings

known to the examiner which may be related to, directly affect or be directly affected by

or have a bearing on the Board's decision in the pending appeal:

09/758,112

09/753,964

09/655,196

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

Claims 1-4, 6-14, 16-24, and 26-30 are rejected under 102(e) as being

anticipated by Yun (7,584,120).

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of

amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter

contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of

rejection to be reviewed on appeal. Every ground of rejection set forth in the Office

action from which the appeal is taken (as modified by any advisory actions) is being

maintained by the examiner except for the grounds of rejection (if any) listed under the

subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are

provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in

the Appendix to the appellant's brief.

(8) Evidence Relied Upon

7,584,120   Yun   1-2009

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by
another filed in the United States before the invention by the applicant for patent or (2) a patent
granted on an application for patent by another filed in the United States before the invention by the
applicant for patent, except that an international application filed under the treaty defined in section
351(a) shall have the effects for purposes of this subsection of an application filed in the United States
only if the international application designated the United States and was published under Article 21(2)
of such treaty in the English language.

Claims 1-4, 6-14, 16-24, and 26-30 are rejected under 35 U.S.C. 102(e) as being

anticipated by Yun (7,584,120).

Yun discloses a system and corresponding method and apparatus for

categorizing data comprising in a data processing system, of registering services in a

taxonomy, comprising: receiving a registration request at the data processing system,

the registration request including a service description and an identification of a

category within the taxonomy in which the service is to be registered, determining if the

service description should be registered in the identified category based on a canonical

service description associated with the category; and registering the service description

in the identified category using the data processing system if the determination is that

the service description should be registered in the identified category and if it is

determined that the service description should not be registered in the category,

determining whether a request to add a new category is received_(col.4, line 65 to col.5,

line 11; col.6, line 1 to col.9, line 30); wherein the canonical service description identifies

minimum criteria for the category (col.4, line 65 to col.5, line 11 ; col.6, line 1 to col.9,

line 30); wherein registering the service description in the category includes storing the

service description and an associated model description in a storage in association with

the category (col.4, line 65 to col.5, line 11 ; col.6, line 1 to col.9, line 30); wherein the

method is implemented in a service broker within at least one network (col.4, line 65 to

col.5, line 11 ; col.6, line 1 to col.9, line 30); wherein if a request to add a new category

is received, a determination is made as to whether to add the new category, and

wherein if the new category is added, the service description is registered in association

with the new category (col.4, line 65 to col.5, line 11 ; col.6, line 1 to col.9, line 30);

wherein the canonical service description includes information identifying minimum

requirements of the category regarding one or more of security requirements, privacy

requirements and communication protocol requirements (col.4, line 65 to col.5, line 11 ;

col.6, line 1 to col.9, line 30); wherein if it is determined that the service description

should not be registered in the category, the method further comprises: searching the

taxonomy for an alternate category in which the service description should be registered

and registering the service description in the alternate category (col.4, line 65 to col.5,

line 11 ; col.6, line 1 to col.9, line 30); wherein searching the taxonomy for an alternate

category includes searching one or more of sibling, parent and child categories of the

identified category within a predetermined range of the identified category in the

taxonomy (col.4, line 65 to col.5, line 11 ; col.6, line 1 to col.9, line 30); wherein

searching the taxonomy for an alternate category includes searching the taxonomy for a

category in which the service description meets requirements of a canonical service

description associated with the alternate category (col.4, line 65 to col.5, line 11 ; col.6,

line 1 to col.9, line 30); a computer program product in a computer readable medium for

registering services in a taxonomy, comprising: first instructions for receiving a

registration request, the registration request including a service description and an

identification of a category within the taxonomy in which the service is to be registered;

second instructions for determining if the service description should be registered in the

identified category based on a canonical service description associated with the

category, third instructions for registering the service description in the identified

category if the determination is that the service description should be registered in the

identified category, fourth instructions for determining whether a request to add a new

category is received if it is determined that the service description should not be

registered in the category (col.4, line 65 to col.5, line 11 ; col.6, line 1 to col.9, line 30);

wherein the third instructions for registering the service description in the category

includes instructions for storing the service description and an associated model

description in a storage in association with the category (col.4, line 65 to col.5, line 11 ;

col.6, line 1 to col.9, line 30); wherein the computer program product is executed in a

service broker within at least one network (col.4, line 65 to col.5, line 11 ; col.6, line 1 to

col.9, line 30); fifth instructions for determining whether to add the new category, if a

request to add a new category is received, and sixth instructions for registering the

service description in association with the new category, if the new category is added

(col.4, line 65 to col.5, line 11 ; col.6, line 1 to col.9, line 30); wherein the canonical

service description includes information identifying minimum requirements of the

category regarding one or more of security requirements, privacy requirements and

communication protocol requirements (col.4, line 65 to col.5, line 11; col.6, line 1 to

col.9, line 30); instructions for searching the taxonomy for an alternate category in which

the service description should be registered if the result of execution of the second

instructions is that the service description should not be registered in the category and

fifth instructions for registering the service description in the alternate category if an

alternate category is identified by execution of the fourth instructions (col.4, line 65 to

col.5, line 11 ; col.6, line 1 to col.9, line 30); wherein the fourth instructions for searching

the taxonomy for an alternate category includes instructions for searching one or more

of sibling, parent and child categories of the identified category within a predetermined

range of the identified category in the taxonomy (col.4, line 65 to col.5, line 11 ; col.6,

line 1 to col.9, line 30); wherein the fourth instructions for searching the taxonomy for an

alternate category includes instructions for searching the taxonomy for a category in

which the service description meets requirements of a canonical service description

associated with the alternate category (col.4, line 65 to col.5, line 11 ; col.6, line 1 to

col.9, line 30); apparatus for registering services in a taxonomy, comprising: means for

receiving a registration request, the registration request including a service description

and an identification of a category within the taxonomy in which the service is to be

registered, means for determining if the service description should be registered in the

identified category based on a canonical service description associated with the

category, means for registering the service description in the identified category if the

determination is that the service description should be registered in the identified

category, and means for determining whether a request to add a new category is

received if it is determined that the service description should not be registered in the

new category (col.4, line 65 to col.5, line 11 ; col.6, line 1 to col.9, line 30); wherein the

canonical service description identifies minimum criteria for the category (col.4, line 65

to col.5, line 11 ; col.6, line 1 to col.9, line 30); wherein the means for registering the

service description in the category includes means for storing the service description

and an associated model description in a storage in association with the category (col.4,

line 65 to col.5, line 11 ; col.6, line 1 to col.9, line 30); wherein the apparatus is part of a

service broker within at least one network (col.4, line 65 to col.5, line 11 ; col.6, line 1 to

col.9, line 30); means for determining whether to add the new category, if a request to

add a new category is received, and means for registering the service description in

association with the new category, if the new category is added col.4, line 65 to col.5,

line 11 ; col.6, line 1 to col.9, line 30); wherein the canonical serwce description includes

information identifying minimum requirements of the category regarding one or more of

security requirements, privacy requirements and communication protocol requirements

(col.4, line 65 to col.5, line 11 ; col.6, line 1 to col.9, line 30); means for searching the

taxonomy for an alternate category in which the service description should be registered

if the means for determining indicates that the service description should not be

registered in the category; and means for registering the service description in the

alternate category if an alternate category is identified by the means for searching

(col.4, line 65 to col.5, line 11 ; col.6, line 1 to col.9, line 30); wherein the means for

searching the taxonomy for an alternate category includes means for searching one or

more of sibling, parent and child categories of the identified category within a

predetermined range of the identified category in the taxonomy (col.4, line 65 to col.5,

line 11 ; col.6, line 1 to col.9, line 30); and wherein the means for searching the

taxonomy for an alternate category includes means for searching the taxonomy for a

category in which the service description meets requirements of a canonical service

description associated with the alternate category (col.4, line 65 to col.5, line 11 ; col.6,

line 1 to col.9, line 30).

(10) Response to Argument

The Examiner reviewed the affidavit submitted on April 4, 2005 and withdrew the rejection. The affidavit pre-dated the Cohn reference, set forth in the previous Office Action. The Examiner incorporated the Yun reference (effective filing date April 7, 1999), which is the same assignee as the original assignee for the Cohn reference (CBS Interactive).

The Appellant argues that Yun does not disclose receiving a registration request with an identified category into which the service is to be registered or determining if the identified category should be used based on a canonical service description associated with the identified category. In response, Yun discloses that the author decides whether a particular type of good or service fits into an existing category or sub-category. If the product fits into an existing category, then it is added, and if not, then a new category is created (col.6, lines 11-60). Therefore, Yun discloses receiving a registration request with an identified category into which the service is to be registered.

The Appellant argues that Yun does not disclose determining if the identified category should be used based on a canonical service description associated with the identified category. In response, Yun discloses that the process can be used for an existing category or adding a new category (col.6, lines 11-67). If the category is not suitable, another category may be added. Therefore, Yun discloses determining if the identified category should be used based on a canonical service description associated with the identified category.

(11) Related Proceeding(s) Appendix

Copies of the court or Board decision(s) identified in the Related Appeals and

Interferences section of this examiner's answer are provided herein.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/LALITA M HAMILTON/

Primary Examiner, Art Unit 3691

Conferees:

Alexander Kalinowski/AK/

Supervisory Patent Examiner, Art Unit 3691

Vincent Millin/vm/

Appeals Conference Specialist TC3600